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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number : HRT0228

In re Application of: Lee R. Bolduc, et al.  
Application No.: 09/759,430  
Filed: January 12, 2001  
For: SYSTEM FOR PERFORMING VASCULAR ANASTOMOSIS

The owner\*, Heartport, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 7,056,326. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

/Brian S. Tomko/ June 26, 2006  
Signature Date

Brian S. Tomko  
Typed or printed name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included. Charge to Deposit Account No. 10-0750.  
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